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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/698,204 | 10/31/2003 | Ken G. Pomaranski | 200209699-1 | 9992 |

22879 7590 02/11/2005

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EXAMINER

ASSOUAD, PATRICK J

ART UNIT PAPER NUMBER

2857

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------|-------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/698,204 | POMARANSKI ET AL. | |
| | Examiner | Art Unit | |
| | Patrick J. Assouad | 2857 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7-10, 12, 14-17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6, 11, 13 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/31/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 7-10, 12, 14-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynn et al. (US 6,654,707) in view of King (US 6,697,952).

3. Fig. 1 of Wynn et al. and Figure 2 of King are reproduced below for ease in understanding this rejection.

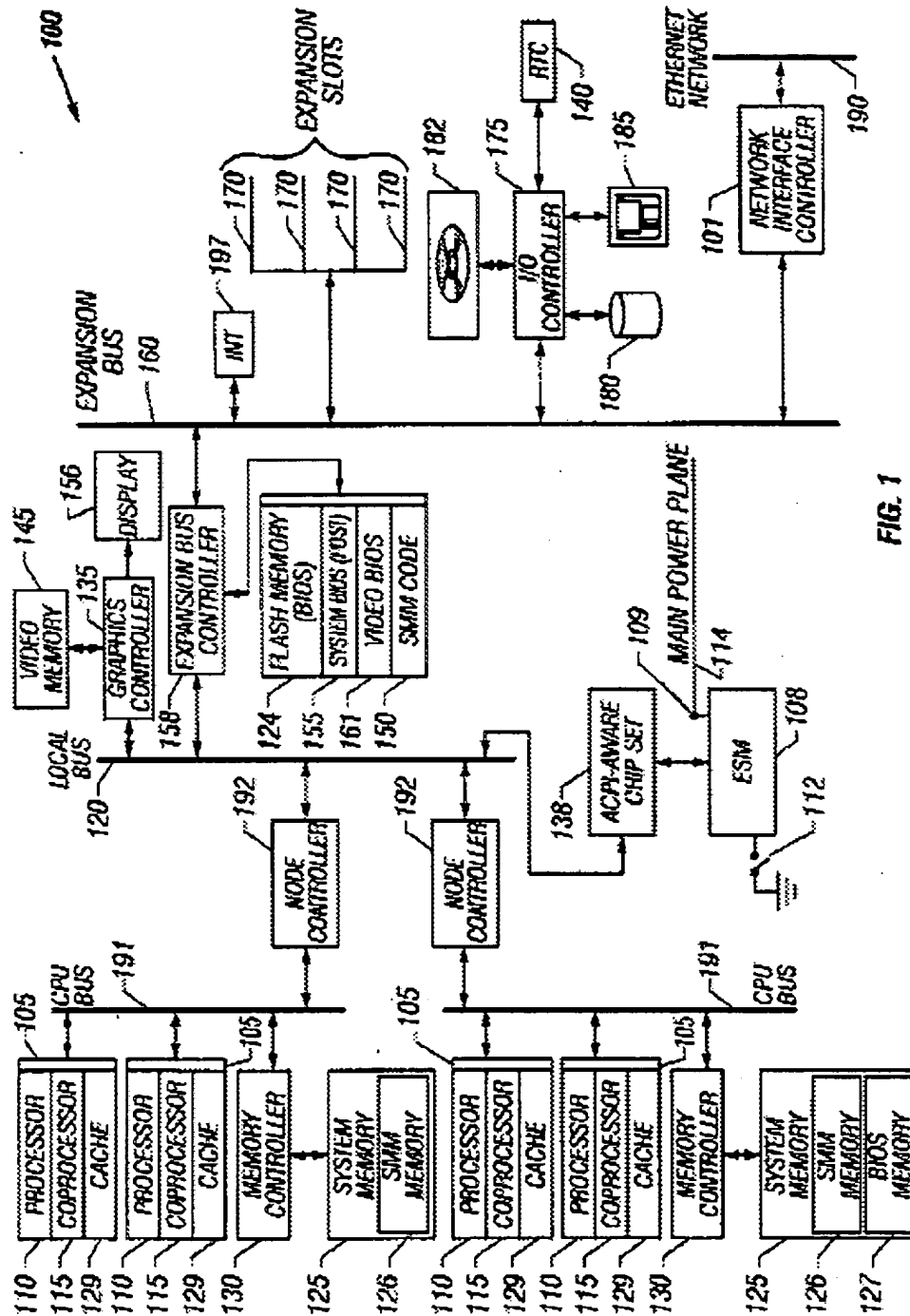


FIG. 1

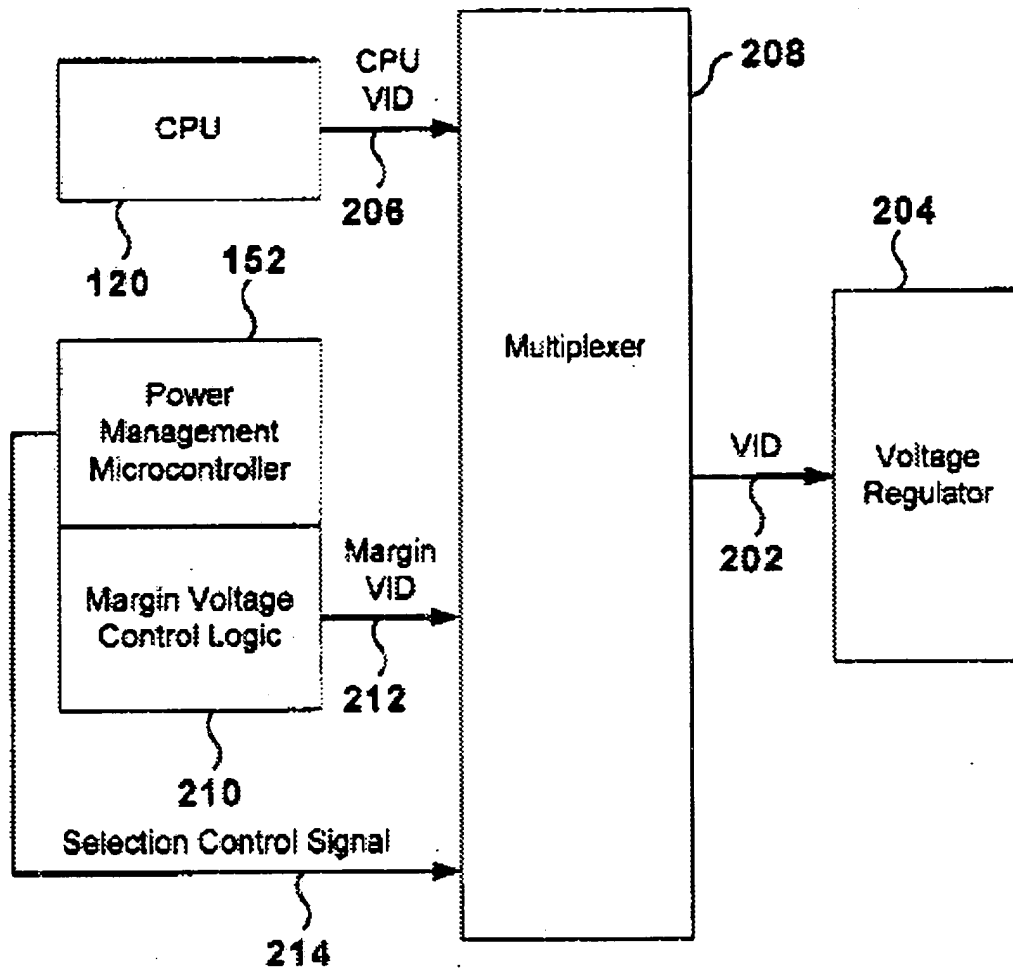


Figure 2

4. As per independent system claims 1 and 17: a first processor configured to cause an operating system to be booted is any one of processors 110 of Fig. 1 of Wynn et al.; a test module...configured to cause a first test to be performed on the component...subsequent to...the operating system being booted, or a second means for causing a first test to be performed on the component subsequent to ... the operating system being booted is any one of the other processors 110 of Fig. 1 of Wynn et al. (later referred to as the "testing processor" or "service processor", col. 8, lines 45+) that is not running the operating system, running a diagnostic test of any device or component of Fig. 1 of Wynn et al.; a component coupled to the test module is any component or device made unavailable for use (or "ejected") by the operating system of Wynn et al. which is being tested; a power supply coupled to the test module and the component, or a power supply coupled to the component is seen in at least the connection labeled MAIN POWER PLANE 114 of Fig. 1 of Wynn et al. which must be connected to a power supply to provide power for the power plane.

5. As per independent method claim 12: causing a first component to be de-allocated from use by an operating system is any component or device made unavailable for use (or "ejected") by the operating system of Wynn et al.; see col. 7, beginning at line 61; performing a first test on the first component is running a diagnostic test of Wynn et al.; and notifying the operating system in response to detecting a first error in performing the test is shown in at least Fig. 3 of Wynn et al.

where we see that the testing processor informs ESM of failure and ESM performs appropriate action, step 350.

6. The difference between the instant claimed invention (independent claims 1, 12, and 17) lies in the claimed "wherein the test module is configured to cause a first voltage to be provided to the component, and wherein the test module is configured to cause a first test to be performed on the component subsequent to the first voltage being provided to the component" or "causing a first voltage to be applied to the first component." In other words, Wynn et al. is missing the "voltage margining" or testing of a component under varying voltage levels.

7. King specifically teaches a margining processor power supply. More specifically, he teaches a "system and method for biasing supply voltage requirements that are input to a voltage regulator to facilitate testing a computer system with supply voltages above and below specified operating values." See at least the Abstract.

8. It is noteworthy to mention that Wynn et al and King are both assigned to the same computer-manufacturer, namely, Dell Product L.P., and thus the motivation to combine is even more apparent as further shown below.

9. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the margining processor power supply of

King into the system and method of performing diagnostic tests of computer devices (while the operating system is running) of Wynn et al., because such a combination provides valuable test data regarding marginal voltage-sensitive computer devices without taking up valuable operating system time and resources.

10. As per dependent claim 5, see the aforementioned discussion of "ejection" of a device or component in Wynn et al., cols. 7-8.

11. As per dependent claims 7, 15-16, and 20, see at least Fig. 3, step 350 and also see the discussion of "ejection" and "insertion" of Wynn et al.

12. As per dependent claims 8-10, see at least the other processors 110, the various I/O devices and I/O controller of Fig. 1 of Wynn et al.

13. As per dependent claims 14 and 19, see the discussion of "insertion" and "re-insertion" of Wynn et al. in cols. 7-8.

Allowable Subject Matter

14. Claims 2-4, 6, 11, 13, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

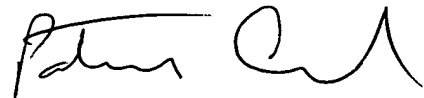
Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the attached PTO-892.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Assouad whose telephone number is 571-272-2210. The examiner can normally be reached on Tuesday-Friday, 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrick J Assouad
Primary Examiner
Art Unit 2857

pja